

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
February 16, 2005**

A public hearing of the Louisville Metro Air Pollution Control Board (Board) was called to order February 16, 2005, at 2:10 p.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by Chair Karen Cassidy. Board members Lee Howard, Lewis Hammond, Barbara Sexton Smith, Dr. Nadir Al-Shami, Sandra Withers, and Carolyn Embry were also present.

General Statement, Rules, and Purpose

Chair Cassidy read the opening announcement, rules, and purpose of the Public Hearing, which was to review twenty proposed regulations comprising the Strategic Toxic Air Reduction (STAR) Program, seven of which are new, eight of which are to be amended, and five to be repealed. These proposed regulations are listed on the agenda for today's public hearing. The Board will be taking comments on all the STAR Program regulations at once rather than take comments one regulation at a time. Mr. Jonathan Trout, District Secretary-Treasurer, said that approximately fifty-five people have submitted a card identifying that they would like to make a statement at today's public hearing.

1. Strategic Toxic Air Reduction (STAR) Program Regulations

Mr. Trout explained that these regulations have been discussed with the Board in several different forums, therefore, the Air Pollution Control District (District) will not, at this time, summarize the proposed regulations. Mr. Trout said that the District has received a significant number of written comments on the proposed regulations.

Statements

Eleanor Self said that as she looks around this room, she sees a room full of folks who have worked long and hard to bring the issue of Rubbertown air pollution to the forefront. Members of Rubbertown Emergency ACTION (REACT), the West Jefferson County Community Task Force (WJCCTF), and the Sierra Club are but a few of the supporters of clean air that are here today. Ms. Self is a resident of the Highlands and is here to encourage the Board to adopt and support the STAR Regulations as currently amended. She thanks the Board for its leadership, courage, and commitment to the people of Louisville. The Board has stayed true to its mission - to ensure healthy air. She urged the Board to keep focused on the belief that a healthy environment leads to greater economic security and prosperity for our citizens and future generations. She simply asks that all industries enjoying the many benefits of residing in Louisville be good corporate citizens by not poisoning the air. Without delay, vote in support of the STAR Program regulations as currently proposed.

Dr. Robert Powell said that he sat at this table for 17 years. As a member of the Air Pollution Control Board, he participated in many public hearings. This issue has risen to such a level that, as a lung doctor and member of the medical community, he felt obligated to comment.

The STAR Program proposal appropriately addresses a critical public health issue, polluted air that contains the garbage of our industrialized nation's activities. Polluted air that contains known disease-causing, cancer-causing chemicals is dangerous. The cleaner the air the better for long life and good health. Being pollution free is best, but not possible because of the need to make things and go places. Anything less than being pollution free involves compromise, but we should not compromise with toxics. The STAR proposal is local people making their best thoughtful decisions to protect the health and the local public. He said that he supports the proposal and urges its swift passage and implementation.

Tim Duncan, REACT, said that after months and years in which planning, discussion, and debate have gone into the necessity to develop a comprehensive plan to significantly reduce toxic air pollution within Louisville, it is difficult to think of something new to say. The final report of the West Louisville Air Toxic Study (WLATS) Risk Assessment lists 18 chemicals in the air at unsafe levels and 17 of them at unsafe levels for cancer risks. In the Toxic Release Inventory (TRI) information provided by companies and industries to the U.S. Environmental Protection Agency (EPA), Jefferson County ranked towards the top in the nation for toxic emissions from industries and companies. The EPA Region 4 Air Toxics Relative Risk Screening Analysis (ATRRSA) lists Jefferson County as having the unhealthiest air in the Southeastern United States. Major sources addressed in the STAR Program are responsible for over 97% of the reported hazardous air pollutants from stationary sources. The District's own air monitoring data tells of the continuing high levels of toxic air pollutants that are in our air released from industries, particularly those in the West End. The newspaper articles that reported all this information and analysis leave us with irrefutable evidence that we have a serious air quality issue in Jefferson County. We have been victims in this community of threats made by those who do not want to sign on to this program. REACT has heard from workers who have been threatened of losing their jobs. REACT has heard of organizations and institutions, that rely upon funding from some of the large corporations, that worry that those corporations will have to move. He hopes that the District will not succumb to threats that are being made that if the STAR Program goes into effect, the District would be abolished. He has spoken with UFCW from Noveon whose workers are willing to meet with REACT and the District to examine this program. Mr. Duncan added that his wife has worked for years at a company that will fall under the regulations of the STAR Program, and that his family is not left unaffected by this. He urged passage of the STAR Program.

Wilma Subra, Subra Company and REACT, said that on behalf of REACT she supports the proposed regulations and requests that the Board immediately approve them. Immediate approval and implementation of the STAR Program is essential to protect the health of Louisville residents, especially those living in the West Louisville area where the Rubbertown industrial facilities are located. The data on which this evaluation of air toxic levels and risks has been performed are from the time periods 2000-2001. However, Ms. Subra said that levels of toxic air contaminants (TACs) have increased since that time. She cited a number of sampling events to document her point. Based on the air monitoring data, there has been an increase in ambient air concentrations over time. Widespread areas are being impacted by the toxic air pollutants. Elevated levels of numerous TACs have been documented at each of the monitoring stations, and exceedances of the benchmark standards are continuing to occur in the West Louisville area. It is extremely important that the Board immediately approve the proposed

STAR Regulations and enable the District to begin timely implementation. The health of the community of Louisville depends upon implementation of the STAR Program.

Ms. Smith asked that Chair Cassidy clarify the time limits. Chair Cassidy responded that they are requesting people to limit their comments to three minutes. Ms. Smith said that she wanted to make sure that everyone understood that this was an ongoing request.

Mr. Art Williams, District Director, recognized and introduced Metro Council members Ron Weston and Rick Blackwell, and thanked them for being in attendance

Winnie Hepler, Justice Resource Center and REACT, said this is a historic moment for the District and the Board as they prepare to fulfill the dream of the beginning of the end of the infamous toxic air pollution from Rubbertown. Ms. Hepler attached to her comments two July 1996 articles published in *The Courier-Journal* about pollution from the chemical plants. Eight and one-half years later, the Louisville Mayor and Metro Council favor and support the STAR Program which the hard-working District staff has prepared and the Board has encouraged and requested. In the interim, out-of-town experts have come here to help the Justice Resource Center and REACT and to provide instructions for citizens to operate a bucket brigade. The WJCCTF pollution monitors revealed the dangerous and unhealthy air quality. In May 2003 *The Courier-Journal's* James Bruggers' multi-page series informed area people of the dangers we are living with. Considering the scientific proof and knowledge and the lengthy period of time Louisville has knowingly had this chemical plant pollution problem, she said that she is astonished that the companies are claiming that the District is asking for too much too soon. She suggested that if the companies' environmental engineers are not equipped by training or skills to comply with the STAR Program standards, the companies need to hire better-qualified employees. The billions in annual earnings of the companies' international corporate parents (listed in the WJCCTF comments of 10-19-2004) indicate no shortage of funds to meet the new regulations by the dates outlined. In addition, airplane and airport pollution is major and needs to be confronted. Ms. Hepler provided copies of two articles which are attached to her comments. These articles describe the toxic content of the jet condensation trails and the staggering amounts of contaminants in fuel exhaust on the ground and in the stratosphere that foul the air and contribute to global warming.

Jim Wade, Engelhard Corporation, said they employ 130 people in Louisville producing organic pigments and pigment dispersions. They make all the colorant used for custom tinting of paint at all Home Depot stores in North America. Mr. Wade is a member of the Greater Louisville, Inc. (GLI) Air Toxics Task Force. He attended the recent modeling demonstration and was very impressed by the sophistication of the higher level model and by the amount of effort required to gather the information to do the model. This will be very expensive for his plant and incredibly expensive for all the plants put together. In the case of his plant, he believes there will be no effect on public health. The required modeling and the total STAR Program creates an atmosphere of regulatory uncertainty for them. As a result they are having to look elsewhere for a location for their next expansion, even though it logically fits right here in their plant. Mr. Wade recommends that the Board consider the GLI revisions because he believes it is a viable way of having industry and having clean air.

Stanley Wolff said that he is here to place in the record that the STAR Program as it is written is seriously lacking because it does not discuss ending the reformulated gasoline program in the Louisville area. For the last ten years, the people of this area have been subjected to paying more and getting less for their gasoline dollar because of the reformulated gasoline program that forces reformulated gasoline on our citizens and does not achieve its intended purpose. Now that methyl tert-butyl ether (MTBE) has been banned and replaced with ethanol two years ago, we have replaced one known human carcinogen with another. Ethanol, like MTBE, increases fuel consumption as a result of its lower energy content and during warm weather it causes an increase of volatile organic compounds (VOCs) along with increases in formaldehyde, acetaldehyde, and peroxyacetyl-nitrate, all of which are known carcinogens and lung irritants. Recently several states and municipalities have requested or been granted waivers from having to use ethanol in their fuel. The state of California, which has the most stringent air pollution control in the country, has had to sue the EPA to obtain a waiver from having to add ethanol to its gasoline. The states of New York, Georgia, and Oregon and the city of Baton Rouge have also requested waivers. New Hampshire and the area around Salt Lake City were recently granted waivers. Like the Vehicle Emissions Testing Program (VET), the reformulated gasoline program serves no useful purpose other than making large agribusiness companies more profitable. The use of ethanol will not reduce our dependence on foreign oil. It takes more energy to grow, ship, and use ethanol than the energy it contains. Automobiles today are 95% cleaner than just fifteen years ago and that is responsible for the decrease in the air pollution levels from autos and light-duty trucks that we are enjoying today. Tomorrow's automobiles will be even cleaner. If the Board is at all serious about improving the quality of the air, the evidence points to eliminating reformulated gasoline with ethanol and this should be included in the STAR Program. Reformulated fuel costs the citizens of Jefferson County more money per gallon. It provides fewer miles per gallon when used and, above all, it creates higher pollution levels.

Jonathan D. Miller, Senior Environmental Specialist with DuPont Dow Elastomers L.L.C., said that Louisville Metro air quality has been characterized repeatedly as worse than anywhere else in the eight southeastern states in EPA Region 4 or in the country. As a community, we have made significant strides in improving our local air quality. We need to remember how far we have come over the last 30 years. We have achieved all of the National Ambient Air Quality Standards (NAAQS) that have been promulgated, except for the very latest ones, and we are now working on those. We need to make sure that we preserve and maintain these air quality improvements while we adjust our focus on the new issue of air toxics. With the completion of the WLATS and the publication of the Risk Assessment, we gained new detailed information about our local air quality. We are now struggling to deal with this new information. It is important for us to remember that we solved our community's earlier problems, the exceedances of the NAAQS, by working together as a community to develop and implement the right solutions. Our current problem of ambient air toxics is amenable to developing a solution in the same way. The key is that all of those who are part of the problem must have the chance to be a meaningful part of the solution. He would remind the Board that considerations of setting a national example have no place in this discussion. We need to come together collaboratively to solve our common problems in the way that makes the most sense for our community. The kind of regulation we need is one that works. This proposed set of regulations does not make the grade. For example, the requirement proposed in draft Regulation 1.06 to report "uncontrolled

emissions” relies on a definition that is artificial and meaningless. The requirement is neither justified, reasonable, nor necessary. We ask the Board to remove this term and the associated reporting requirement from this regulation. In addition, proposed Regulation 1.21 in its entirety is neither practicable, justified, reasonable, enforceable as a practical matter, nor cost-effective. We ask that the Board reject this regulation for these reasons. Finally, the uniqueness of the proposed air toxics regulatory program rests largely on its extreme breadth - in terms of the excessive numbers of chemicals that would be regulated - and its extreme stringency. Neither the breadth nor the stringency is necessary to achieve the necessary improvements in our local air quality. Neither the breadth nor the stringency is reasonable or justified by sound science.

Gracie Lewis, REACT, said she is also a resident of Rubbertown. Her lungs have collapsed and she is on 2 liters of oxygen. She is calling on the Board to enforce the Clean Air Act by passing the STAR Program. Protecting the health and safety of the community must be a top priority. For years, they have witnessed their families and friends suffering and dying from respiratory problems and cancer coming from toxic air pollution. Anything that is breathed in, such as the particles from toxic air pollution, can reach every organ of the body. This is indeed costly and the residents are being forced to pick up the tab along with Medicare, Medicaid, and other health care providers. Some residents have had to retire because of poor health, including workers who were once employed by Rubbertown factories. There are schools in the area considered unsafe. For children whose lungs are still growing, regular breathing of dirty air can be toxic and result in lost school days and increased health costs. The EPA has documented 18 toxic chemicals and compounds present in the air of West Louisville in excess of health risk goals. There has also been systematic under-reporting of toxic air emissions. In response to these findings, and community pressure, the Mayor defined a vision called the STAR Program and we want it passed with minor changes. We are also calling on the Board to enhance rail transportation security for toxic and hazardous materials. This will protect residents of Rubbertown in the event of a leak, fire, or explosion. This should include fencing, increased lighting, and other security measures. Without the STAR Program, high levels of toxic chemicals will continue to be present in the air of Louisville and there will be continuous deaths.

Matt Evans, Students United for Peace and Justice, University of Louisville student, and activist, said he works on a lot of issues around national and international global justice. This Monday, Students United for Peace and Justice gathered petitions for REACT supporting the STAR Program. This has been the most successful petition drive with students being more concerned about the air quality in Louisville than any other issue, even more than rising tuition. Louisville is very much behind in the regulation of factory emissions and unless we get in the forefront, we are going to have an even greater health epidemic than we already have, not only in the West End of Louisville but also throughout the entire county. Mr. Evans said that he hopes that, if the Board passes the STAR Program, they don’t pass a parchment regulation, meaning that they should make it worth more than the paper it is printed on, that it actually does something to clean up the air here in Louisville and helps the residents of the West End and also all of Louisville and Jefferson County.

Clarence A. Dykstra, DuPont Dow Elastomers, LLC, said they have approximately 250 employees and 55 contractors and manufacture Neoprene rubber. Neoprene is a mid-performance elastomer used in multiple automotive and general industrial rubber applications,

and as a replacement for natural latex in some medical applications. Their plant has operated since the 1940's. DuPont Dow was actively involved in the (WLATS sponsored by the WJCCTF. That process involved the use of a screening Risk Assessment to identify the chemicals of highest concern, and then development of a Risk Management Plan to address chemicals identified by the Risk Assessment. Mr. Dykstra said that he served as a member of the Risk Assessment Work Group, and his manager, Dave Pigion, was a member of the Risk Management Work Group. The Risk Management Plan specified a stakeholder process to review the screening Risk Assessment. The overall goal was that the Task Force and its members and participants will seek to address emission reduction opportunities in a coordinated and systematic way across the range of sources that may exist for a chemical of concern - stationary, area, mobile, and even indoor sources, where possible. The Risk Management Plan proposed to limit its scope to chemicals above the target risk level, to prioritize risks, and then to propose options for implementation, placing highest priority on solutions that would impact several chemicals of concern. A broad range of factors to be considered when determining approaches to risk reduction included technical feasibility of options, costs and benefits associated with options, and others listed in that report. The Risk Assessment specified a tiered approach. Mr. Dykstra said that he is disappointed that the District chose to bypass the Risk Management Plan and go directly to the regulatory approach, the ninth of ten steps envisioned by the WLATS. He is also disappointed that the District chose a closed, in-house approach to develop these regulations rather than utilizing the stakeholder process envisioned by the WLATS. This approach has resulted in overly broad, complex, and confusing regulations that do not meet the objectives of the WLATS. DuPont Dow believes that the draft regulations propose inappropriate, arbitrary, and scientifically unsupported methodologies that set overly conservative standards for the sources of a small percentage of community risk. The proposed regulations, as they apply to chloroprene, propose methodologies that overstate potential hazards and impose standards that are not only much more conservative than are technically justified, but also make compliance virtually impossible even with extremely low emissions. Two recent chloroprene studies need to be considered when developing community exposure limits. These are an epidemiology study that involves four plants world wide with over 12,000 employees working in chloroprene plants and another scientific study that looked at the mechanism for chloroprene exposure. Some believe that these regulations broadly address risks and will result in significant community risk improvement. DuPont Dow believes that this is an unreasonable expectation. Actual community health improvements resulting from these regulations are expected to be insignificant. They believe the public will be disappointed by the results, and excess money and efforts will have been incurred with little benefit to the community. Mr. Dykstra said that he believes that we must step back and refocus on the objectives of the WLATS. Future activities, both in the risk management process and in the regulatory arena, must meet the following criteria: focus only on chemicals shown to be of highest risk concern, use technically sound methodologies, set technically feasible goals, establish affordable programs, prioritize efforts based on overall risk reduction, and address all sources of risk, including area and mobile sources as well as stationary sources. This must be a collaborative effort, using technical workgroups to develop technically sound methodologies and involving the broad stakeholder process envisioned by the WLATS.

Leslie Barras, Citizen, said she urges the Board to adopt the STAR Regulations. There is no question that the Board has the legal authority to adopt these regulations based on all of the facts,

analysis, and technical studies on the records to support these regulations as well. The Board should feel comfortable and assured that these regulations stand on solid legal and technical ground. Board members must decide whether to be public health leaders and respond to unacceptable public health risk in our community by requiring additional responsibility to help clean up the air, particularly for the most vulnerable citizens. Another speaker is going to address the issue of recent studies that have been done that identify the communities that have adopted local air regulations that are more stringent than national regulations. The studies quantify the fact that businesses can succeed in localities that have stringent air quality regulations. Ms. Barras said that she believes, from working for 20 years in an environmental office, particularly for industry, that although this program will be difficult for business and industry, they will adapt, innovate, and respond by doing what American businesses have always done. They will improve work processes and practices to achieve compliance and focus on new and improved technology. Ms. Barras spoke of a series the *Houston Chronicle* ran in January entitled "In Harms Way." With this information being published in the *Houston Chronicle* day after day, air toxics has become a mainstream issue nationally. If the Board thinks about this decision over the long term, in 50 years she feels assured that their decision to implement this program will be seen as a logical, reasonable, and responsible next step. This would be a great legacy for each of the Board members to have left.

Reverend Fred Withers, REACT, said that for 52 years and one hundred and twenty-seven lives, the struggle for breathable air has been going on. Too many lives have been lost, all for the love of money. Industry refuses to see the effects that they are having on the general public and our city officials have refused to step up to the plate. The economically disadvantaged don't have a voice. All the deaths that he was able to count were individuals who never smoked, never drank, and didn't do drugs. Contrary to industries' opinion that it's their life style, people are still dying due to the toxic air quality in Louisville. How long must we continue with the struggle for breathable air, another 52 years and another 127 lives? Please pass the STAR Program.

William T. Minor, employed at OxyVinyls on Bells Lane, said that he understands the concerns of many of those present. He has been employed for 28 years and has seen a great amount of money spent to reduce emissions. His employer has air monitoring devices like the District has. They monitor over 50 points within the plant for air quality. Any emissions that are sensed are dealt with quickly. If a company can demonstrate a proactive approach to their emissions such as he described, can they be exempted from some of the District's regulation?

Joan Lindop, Sierra Club, said that the Sierra Club supports the STAR Program regulations and urges the Board to adopt them as soon as possible. Local air regulations are compatible with economic productivity. The local business community has responded to the proposed STAR Program with dire predictions of harmful impacts on jobs, productivity, and the economy. In an August 2004 article published in *Economic Development Quarterly*, the effects of local air pollution control regulations on local industry in Los Angeles were examined. The audit concluded that the overall harmful impact predicted by local industry did not come to pass. Instead their research provides evidence that environmental regulations and economic development are compatible and that over time, with the help of public and private institutions, industry adjusted by experimenting with technology, a process of learning by doing. These

findings are mirrored in an August 2001 study on the effects of regulations on the petroleum refining industry in Los Angeles air basin. Boston University professors found no evidence that these regulations had more than a transitory effect on the productivity of South Coast refineries. A July 2004 evaluation of the impact of environmental regulations at the state level for the 48 contiguous states during the period 1977 - 1986 found that environmental stringency had little or no impact on a state's output. The Sierra Club supports the revisions to the STAR Program with a few exemptions that have been detailed in their written comments.

Susan Logsdon, Safety Manager at Caldwell Tanks, said they have been a member of the Louisville business community since 1887. They design, fabricate, and build elevated steel water storage tanks that provide safe drinking water to communities throughout the country. They employ approximately 400 workers and build nearly 200 water towers every year. They are a Title V source because they apply a protective coating to their water tank components. They are an active member of GLI's Air Toxics Taskforce, and have spent many hours reviewing the draft STAR Program and contributing to GLI's proposed revisions. They are very concerned about air quality in our community, and the potential impacts of the STAR Program as proposed by the District. The STAR Program is so extensive and far-reaching, they have not been able to fully count the cost of implementing it. They realize that demonstrating compliance with this week's combination of paints doesn't prove compliance with next week's combination of paints. They can't predict what combination of paints their customers will need next year, or what TACs may be in them. Nevertheless, they have studied the STAR Program enough to realize that they would bear tremendous costs. At best, they are facing tens of thousands of dollars each year for multiple years of repeated modeling and calculation exercises that might show compliance (without changing their emissions or benefitting the community in any way). Since their paint formulations are dictated by the American Water Works Association requirements for performance and safety for providing clean drinking water, the only other way to comply with STAR is likely installing and operating an incinerator. This incinerator would burn large quantities of natural gas to keep up the operating temperature of a device to control very dilute concentrations of VOCs, which are being applied for minutes at a time throughout the week. As a consequence of burning natural gas, they would introduce to their neighborhood a significant new set of combustion-related pollutants from their facility. Furthermore, this scenario is so expensive that it isn't a realistic option for them. The STAR Program is a strong incentive for them to seriously consider closing or relocating their fabrication shop, which would result in the loss of hundreds of skilled labor jobs and millions of dollars for this community. As the Air Pollution Control Board, it is your responsibility to independently evaluate the STAR Program proposed by the District. Your commitment to this community is to be sure new regulations are reasonable and necessary, and will effectively apply community resources to accomplish the goal of protecting air quality in Jefferson County. We strongly urge you to carefully consider GLI's proposed STAR revisions. Our community depends on your courage to assure we have a STAR Program that is based on science rather than speculation, technical expertise rather than emotion.

Tom FitzGerald, Director, Kentucky Resources Council said he appreciates the fact that all of the Board members are here and that they are taking comments on this important package of regulations. The filing yesterday of Senate Bill 213 by Senator Seum in Frankfort, which would strip Metro Louisville of its ability to manage air pollution locally and would shackle it to the

lowest rung of the ladder in terms of public protection by making the federal floor standards our ceiling, exhibits a lack of confidence in the ability of this community to set its own course in terms of air quality and public protection. Mr. FitzGerald said that he has already submitted written comments and added that he does not share that lack of confidence in this Board and in this District and this community. He has seen, through the draft set of regulations to the proposed set that was formally put out for public comment, a staff that went through unprecedented efforts to involve all parts of this community, from those who would be directly affected by the improvement of air quality to those who would be directly affected by the requirement that they better internalize the cost of dealing with their waste. District staff has been courteous and forthright. They have had over 50 meetings with hundreds and hundreds of people. While there may be legitimate policy debates about the merits and demerits of requiring industry to more fully account for the use of the public air for waste disposal, the District can't be faulted on its public participation effort. He has confidence that the Board will continue to fine tune this program to meet the long overdue goal. If it were not going to cost some to get it done, industry might have done it years ago. They have literally had decades to come to terms with the fact that it is not consistent with state, federal, and local law and not consistent with the public health to use the public's air to dilute and dispose of its waste. Now that we have the technology-based standards and the low hanging fruit has been taken care of, it is time to finish the job. One of the plant's environmental managers said years ago, "I know what I emit and I know what my neighbors emit, but I don't know what somebody standing on 41st and Algonquin breathes." Mr. FitzGerald said that it is a far cry from when he first came to this community when the business interests got the first draft of regulations and everybody else got the second draft. He said that he is proud that we now have a level playing field where everybody participates in an open and honest forum. He went back and looked over 30 years of statements that had been made by industrial interests in the automotive industry when it came to adding health and safety measures onto cars. It is amazing how many times the industry was going to go out of business because they had to better internalize the cost of public health and safety. The reality is that industry will make the adjustment. It gives them the opportunity, the target, and the standard. The costs of the Clean Air Act and of the changes that have been made so far have come nowhere near what they were anticipated to be, and the benefits have far outweighed the costs that have been incurred.

Ralph Rice, General Manager of AST, said they employ 120 employees. They provide coating services for the air conditioning industry and also are a supplier to Raytheon here locally. They are not directly immediately impacted by most of these regulations. Most of the information that he has is through the GLI group. In looking at the GLI group he sees some things that just do not make much sense to him as a citizen. The general concept is clean air because we all breathe the same air, and that is the concept of the STAR Program which they do endorse. But he does not understand how the District went so quickly from 18 initial chemicals to 191 without a peer review or without the same diligent process. How do you get excited about a program that only addresses 6% of the problem? With the data he has, this program only addresses 6% of the cancer risk causing agents and about 16% of the lung cancer risks in Jefferson County. So we are getting all excited about 1/20th of the problem. You are only looking at static fixed sources. The approach is incomplete. The chemical industry needs to bear the scrutiny of rigorous science and remediation. The GLI program that he has seen is a rational, scientific approach that balances economics because there are jobs at stake here. We

have to compete on a national level. We have to compete with standards of performance across the country and globally. For a little company like ours, we still export and are growing very quickly. Our next plant will not be in Jefferson County, it will be somewhere else. Not driven fully by this but whenever any industry looks at growing, the certainty and rationality of regulatory management is a key issue. He encourages the Board to proceed in a rational way and seriously consider the GLI comments.

Cyd Tyun, Community Outreach person at West Broadway United Methodist Church and REACT, said she lives in the West End. For years she has heard residents in the West End talk about toxic air and for 10 years newspaper articles have covered this topic. At that time, it wasn't a problem of hers because other things occupied her mind. Being involved in the Block Watch, talking to the neighbors, and taking the cards out to be signed for REACT, she heard people talk about the air in our community. There are many day care centers in their community and she finds that the young kids are receiving breathing treatments. Besides the West End, there are residents in the Highlands who require breathing treatments. The toxic air is affecting all of us. She urged the Board to implement the STAR Program.

Carolyn Brown, Attorney with Greenbaum Doll & McDonald, said she is speaking on behalf of the Louisville Chemistry Partnership, Inc., a voluntary association of nine chemistry-based manufacturing facilities located in West Louisville. The Partnership companies provide jobs for 2,130 employees with an annual payroll of more than \$156 million. Last year those companies spent more than \$90 million for supplies and services in the Greater Louisville Area. The Partnership's member companies support the goal of the STAR program - to reduce the exposure of individuals to toxic chemicals that may pose an undue risk and to protect public health and safety. Each employee of these companies breathes the air of Jefferson County on a daily basis and has a personal stake in its quality. Moreover, many live near the area where they work. However, the Partnership has serious doubts that the proposed STAR regulations will achieve the goal of meaningful improvement in the air quality of Jefferson County or in public health. The scope of the proposed STAR Program greatly exceeds what is necessary to address the toxics identified in the West Jefferson County Risk Assessment. Eighteen chemicals of concern were identified in that study but the proposed regulations lists 190 or more compounds. Given the resources the District has to work with, the Board should focus on the identified problem areas. Simply adding controls on stationary sources is not the answer. The Partnership members have made significant progress over the last ten years in reducing emissions of hazardous air pollutants. Despite these reductions, the District continues to focus its regulatory efforts only on stationary sources while postponing action to address area and mobile sources. Area and mobile sources are the predominant sources of air contaminants addressed by this rulemaking; therefore, requiring additional controls only by industry will not achieve the District's goal. The STAR Program as proposed will further hamstring industry in the face of continued global business pressures. Permittees already face significant delays in getting permits processed. Delays currently range from 12 to 18 months according to District staff, even for projects that will reduce emissions. The STAR Program as currently proposed will only further slow the process due to its broad scope and limited exclusions. The program also discourages investment because of uncertainty about its application and scope. Just last month, Noveon decided to send to another city two expansions involving \$18 million in investment that had been planned for Louisville. The Partnership endorses EPA's use of a range of cancer risk of one to

100 in a million as a realistic level with an ample margin of safety. The Partnership believes the STAR proposal's use of a one in a million cancer risk standard is overly conservative. When coupled with the other unnecessarily conservative assumptions in the proposal, the limitations are simply not reasonable. The Partnership was disturbed to find that the regulatory impact assessment for a proposed new regulation of this magnitude was limited in scope and without in-depth analysis. Discussion of alternative programs and the reasons for rejection of these alternatives were not provided. Information on costs was incomplete and not accurate. The estimates that Partnership members were able to calculate in the short time allotted for review and comment show that the expense of this proposal is much more than the District has identified. Using the same expression of cost as the District used, which was the cost/ton of pollutant reduction, the lowest cost was \$35,000/ton. Costs per ton for reduction of fugitive emissions from enhanced LDAR ranged from \$500,000 to \$800,000 per ton. Finally, the Partnership does not believe that the Board has afforded an adequate period of time for review and comment on the regulatory proposal. Last Thursday they filed with APCD a written request for an extension of the comment period on the proposed STAR regulatory package. An extension of the comment period for an additional 30 to 60 days would allow all interested parties adequate time to review and comment on the regulations would ultimately produce a more workable and environmentally beneficial regulatory program. As stakeholders in the community, the Louisville Chemistry Partnership stands ready to cooperate fully in gathering all the information needed to do what's best for Louisville's environment and the economy.

Charles Pope, REACT, said that 128 people in their area have died from toxic waste and 8 of those people lived in the area he resides in. There is a big problem in the area and he feels that the Board needs to adopt the STAR Program now and not hold back any longer. The comment period should end now because too much time has been taken up with this stuff.

Arami Bloom, Business student at the University of Louisville, said that at the university at their college of business there is a real support for emissions control and environmental responsibility in business. The City of Louisville being known for having the worst air quality in the southeast region is not the way to attract new growth and is not conducive to the goals of the city.

Dennis Conniff, Chair of the GLI Air Toxics Task Force, said that the Task Force does not hold itself out as the representative of all the companies in Louisville that will be affected by the STAR Program. Each individual company will need to determine whether it supports the comments and the proposal of the Task Force. The GLI Air Toxics Task Force is comprised of approximately 40 representatives of small and large companies in Louisville that will be affected by the STAR Program. It includes experts on air quality, toxicology, and risk analysis. The Task Force supports the goal of improving the quality of ambient air in our community and the development of an air toxics regulatory program. This is consistent with the principles enunciated by Mayor Abramson when the first version of the STAR Program was made available. In particular, an air toxics reduction program should set realistic risk goals and emission limits and should allow a reasonable time frame for implementation. The members of the Task Force have spent countless hours analyzing the District proposed STAR Program, the state and local programs that formed a basis for parts of the program, the manner in which the District has amended the provisions taken from those other programs, the parts of those other

programs that have been omitted from the STAR Program, the guidance that is available for those other state and local programs, and EPA guidance and peer-reviewed scientific documents related to reducing toxic air emissions. The Task Force has also consulted directly with toxicologists, risk analysts, air modelers, and other experts concerning toxic air contaminants. Based upon that review and analysis and in particular based upon the recommendations of the experts whom they have consulted, the Task Force has prepared proposed revisions to the second version of the STAR Program that was released for Public Comment on January 14. The Task Force did file a copy of its comments on Monday with the District. They set forth detailed comments in support of each of the proposed revisions that were made, provided a summary of bullet points of those proposed revisions, and a black line version showing the changes they propose to be made to the second version of the STAR Program. The Task Force asks that the Board seriously and conscientiously consider these proposed revisions. The Task Force is prepared, if the Board will agree to convene a technical work group, to explain the proposed revisions, present the technical and scientific rationale that supports the revision, and to discuss the proposed revisions openly with the Board, the District, REACT, and any other member of the community that wishes to participate. In closing, Mr. Conniff reminded the Board of the significant responsibility that they have to the entire community to be certain that whatever regulations they ultimately adopt to address toxic air emissions have received careful and adequate consideration, are technically and scientifically sound, and fair and reasonably related to toxic air emissions.

Shannon Graves, Engineer, Smith Management Group in Louisville, Kentucky, said they are a small environmental consulting firm that represents some of the local industry that will be affected by the STAR Program. She has participated in the GLI Air Taskforce and has attended many of the Board meetings and roundtable discussions. She recognizes the difficulties in gaining perspective on what acceptable risk exposure to carcinogens should be. The EPA's risk management policy is scientifically based and has been subject to extensive scientific peer review and public comment. The EPA's Residual Risk Program is mandated by Congress to assess risks from stationary sources that emit air toxics after the technology-based MACT emission standards are in place. Under this program, the EPA has set a range of cancer risks to evaluate whether or not the MACT standards for a particular industry protect public health with an "ample margin of safety." If necessary, the EPA will set additional standards to prevent adverse environmental effects. The EPA range sets a goal of one in a million cancer risk as a safe or acceptable risk level. The upper limit of acceptable risk is 100 in a million for the entire facility's emissions. If the risk is higher than this number, the company must take action to reduce risks. The EPA considers the range of cancer risk between 1 in a million and 100 in a million to fall within an ample margin of safety, which allows the consideration of additional factors such as best available technology and economics in determining acceptable emission levels for individual stationary sources. In closing there are distinct differences between the EPA's risk management policy and the policy that the District has recommended. Additionally, the basis of the District's policy was not explained in the Preliminary Regulatory Impact Assessment. Therefore, she respectfully requested that the Board fully evaluate the EPA's risk management policy and the District's rationale for rejecting it.

Dennis Karl, Ford Motor Company, Kentucky Truck Louisville Assembly Plant, said he is the regulatory policy manager for environmental affairs in the U.S. and Canada. He deals with

10 different states and two federal governments dealing with these types of developments. He sits on the Air Quality Task Force in Louisville as well as in Michigan. He just came off an effort to develop a risk management framework for assessing air toxics in Ontario. After considering and studying the proposal that has been made and spending a couple of days with staff to review and understand what is being proposed and what the objectives are, he said he has come to the conclusion that there are significant technical issues with the package as proposed. They have made suggestions on how to correct those in their comments. GLI has come up with some very pointed suggestions to correct the deficiencies as Ford sees them. Ford supports what GLI has done. He asked that the Board consider those comments to make this a workable program. As it exists now the company's assessment is that it cannot comply with it, not because the company is not going to make the investment or the effort to do it. In spite of that and in addition to the efforts that the company would make, it would not be able to comply with the STAR Program. It has technical flaws that need to be addressed. He encouraged the Board to step back from action on this until a stakeholder effort can be engaged where they can fully discuss and review and thoughtfully consider the types of corrections that are necessary to make this a viable program.

Cheryl Fisher, E.I. DuPont, said that the facility employs approximately 150 employees, for which the annual payroll exceeds \$13 million, and an average of approximately 90-100 contractors daily. DuPont's Louisville operations house the largest Freon 22 plant in the world. Freon 22 is a refrigerant used widely for comfort air conditioning and food preservation, as well as an essential raw material in the manufacture of Teflon, which they make in West Virginia. They also manufacture vinyl fluoride, which is used as a raw material for tedlar polyvinyl fluoride film, which is made in New York. Tedlar is used on the interior of aircraft, architectural structures, and other coating operations. DuPont takes seriously its responsibility to operate in a safe and environmentally sound manner. Consistent with its safety and environmental policies, DuPont supports the District in the quest for clean air. However, DuPont has some concerns with the STAR Program. They did submit written comments. DuPont urges the Board members to become familiar with the comments made by DuPont and other members of the regulated community. These issues do not argue the concept of regulation to address air toxics concerns; rather, they question techniques and policies proposed in the regulations and their application. Certain questions must be answered before the Board should consider adopting this program: Will this program adequately address toxic air emissions in Louisville? Are the risk assessment methodologies technically sound? This program has been reviewed by experts in the field of toxicology who question the risk methodologies proposed. Are there necessary elements to the program which create a competitive disadvantage for current Louisville manufacturers and deter future development? In adopting regulations that are more stringent than other areas of the country, the District should consider what is reasonable and necessary for protection of public health. How will the program be funded? Thus far, the District has not disclosed a plan for funding the STAR Program beyond FY2005. During informal public meetings, the District stated that funding for the STAR Program for FY2005 would come from three sources - \$261,000 from permit fees, \$260,000 from an EPA grant, and \$174,000 from the VET surplus. The plan for making up the difference left when the EPA grant and VET surplus are no longer available has not been disclosed. The District should divulge plans for funding the STAR Program beyond FY2005. If no plan exists, the District should develop a plan, which should be disclosed and subject to further public review and comment, prior to implementation of the

STAR Program. DuPont thanks the District for the opportunity to address the Board. She asked that the Board please carefully consider the details of all of the comments received and the responses given to each comment. The concept is good; the regulations still need considerable work.

Ruben Pulliam, REACT, thanked the Board members for sticking to their guns so far. The first time REACT members came before the Board 1 ½ to 2 years ago, the partitions were drawn and he didn't have a problem getting a seat. He said that he is an activist who tries to get young and old blacks jobs. In response to industry, as Tim Duncan mentioned, REACT members will meet with labor or corporations here at anytime to explain that REACT is not trying to eliminate jobs but to eliminate the bad air. Mr. Pulliam said that he works with some of the elementary schools in the West End. There are times when the schools don't have recess because of the air. He said that the good educators go by the smell in the air to determine whether they let the children out for recess. He supports the STAR Program and hopes that everyone sticks to their guns.

Mike DeBusschere, Chemical Engineer, Kentuckiana Engineering, said he is registered in Kentucky and in other states as a Professional Engineer. He is also a certified professional hygienist and has 35 years of experience working in air pollution control issues as a regulator and as a consultant. His firm does a lot of the dispersion modeling that would be required by these regulations. Given his expertise and experience he was asked to be the issue leader for Regulation 5.22 for GLI which applies to dispersion modeling. The GLI Air Toxics Task Force's detailed comments have been submitted in writing. He said that there are two areas of the regulations regarding dispersion modeling that will not work. If the technical issues aren't fixed, there will be a significant regulatory and permitting crisis. Mr. DeBusschere said that he estimates that the regulations would require more than 300,000 dispersion modeling analyses. He said that it is important that the conventional modeling protocols, that were developed between EPA and the American Meteorological Society and that are used by dispersion modelers, be followed. He said that modeling provides a discrete geographic location and time. The regulations as written imply or require the addition of concentrations of chemicals that would not occur at the same time or at the same geographic location. Additionally, the models that are specified in the regulation do not include any models that would allow an estimation of risk to the population. The specified models provide concentrations at imaginary geographic locations, but do not determine the risk to the human population. The GLI Air Toxics Task Force feels very strongly that the regulation should allow use of human exposure modeling to determine the true human risk in Jefferson County. He said that if he is right and there are 300,000 modeling demonstrations required, there would be several million pages of data submitted to the District. He said that he would think that the Board would want to know how much human exposure to air toxics there is. With the current models specified, the Board would just get a bunch of numbers.

Sister Rose Marie Cummins, Director, Dominican Earth Center and Ecological Center, St. Catherine, Kentucky, said she is here today to support the STAR Program and the right of the Louisville community to clean and safe air. People in Louisville are becoming more aware of the causes of pollution and are standing up for what is rightfully theirs. It is time for industry to stand up for what they know is right and do the right thing. They must become good stewards

and should be held accountable to the people in whose community they do business. She said that it is time they learned to be partners, not adversaries, for people in their neighborhoods and try to create a healthy and sustainable community. It is time that intelligent creatures stop using air as a toxic dump thinking that somehow it will all be diluted away and everything will be fine. Louisville has been burdened with poor air quality for many years. The toxic chemicals in the air are not coming from households. It is time for the City of Louisville to call upon businesses to show a sense of responsibility to the people who allow them to operate side by side within their neighborhoods. It is time for us to realize that we are the air and what we do to the air we do directly to ourselves. This program will cost the City of Louisville and businesses. It has already cost the citizens of this city and the state dearly. She urged the Board to take courageous steps and to show the radical leadership that is needed.

Jane Bowen, Plant Manager, Rohm & Haas Chemical Company on Campground Road, said the company supports the goals of the STAR Program regulations. The company believes in cleaning up the air and reducing emissions. By the end of next year, the company will have spent over \$10 million to reduce air emissions by 85% relative to 2002. She said the company is concerned about some of the provisions in the STAR Program regulations. The company's written comments have been submitted. There is concern about the treatment of fugitive emissions. The models that are specified in the regulations don't adequately predict fugitive emissions and are designed to handle the emissions from single point stacks. She requested that those models be evaluated and a different model be used to model fugitive emissions. The company also believes the modeling results need to be applied where people actually live, not at industrial sites, vacant land, or streets. Another area of concern is the risk standard that has been proposed. The EPA standard of risk of no more than 100 in a million should be used as the standard. This risk level provides an ample margin of safety and takes into account considerations of costs and technical feasibility. Use of this standard doesn't affect the goal of an additional risk of no more than one in a million. A third area of concern is the proposed enhanced leak detection and repair (LDAR) regulation. The company estimates that it will achieve minimal additional emission reductions through the requirements of the enhanced LDAR program. She said that the company's cost will be up to \$2,000,000 per year or the equivalent of up to \$800,000 per ton/per year to implement that regulation. Until it can be shown to meet the legal guidelines for cost effectiveness, the enhanced LDAR regulation should be removed from the STAR Program. Finally, the company believes the proposed variance process for operating above the standards will establish an untenable situation for doing business in Louisville and may discourage additional investment by Rohm & Haas at their facility. The uncertainty of the variance process must be addressed in the revisions to the regulations. At a minimum, she requested that specific criteria be developed and included in the regulations that will define how the Board will use the variance to determine what the next steps are.

Greg Lowman, Steve Sparks, and Dan Minns, Chemical Workers, DuPont Local 5002, said they live in this community and want clean air for themselves as well as their families. Their concern is for the safety and welfare of their employees as well as the community that they work in. They feel that their company and the employees who work there work hard and put forth a great effort in keeping their emissions as low as possible, always attaining the goals of the EPA. They believe that the STAR Program would set guidelines and standards of air quality as unrealistic and unattainable goals for their company to achieve in so little time. They are asking

the Board to allow a 30-60 day extension to look at this program more carefully. This union and its members are willing to meet with the District as well as REACT to discuss ways to achieve goals that everyone can live with, with cleaner air. They asked that the Board carefully consider their comments. If the Board does adopt the STAR Program, they ask that these companies are given ample time to comply, because this program will have a direct impact on their jobs and the community.

Tim Karnes, UFCW Local 7211, said he is here because of the STAR Program and as union leaders they are on the fence. They have responsibilities to ensure the safety of the air quality of their employees as well as their neighbors but also to consider the economic impact it will have on them as union members and those who work in the community. At the last meeting he attended, he offered his business card to REACT and several other people for them to contact him to give him information so they could form an opinion on whether or not they should support the STAR Program. As of today he has not received a phone call. As union members they rely on the Board as leaders in the community to let them know the facts. He is not sure that they have all the facts today. They are asking the Board to extend the time for the STAR Program and to make sure, as community leaders, that they do nothing that is going to impact them as a union and their members and their ability to work and to feed their families.

Jeff Campbell, Plant Manager, Noveon facility in Western Louisville, said Noveon is a specialty chemical company that makes a wide variety of products in its worldwide operations. The Louisville facility is primarily focused on production of CPVC plastic compounds which are used to make piping for the residential plumbing, industrial piping, and fire sprinkler systems. The company also has a small operation that makes latex products for coatings applications such as rust proofing for vehicles and shiny paper coatings. Noveon employs 128 people in the Louisville operation and uses a significant amount of contract services. This represents approximately \$15-\$20 million dollars contribution each year to the local economy. Over the last several months, Noveon has participated heavily in the efforts of the GLI Air Toxics Task Force and other groups to develop specific comments and constructively communicate them to the District. In addition, the company has invested countless hours reviewing the proposed STAR Program in an effort to determine its impact on its Louisville operation. While much more effort will be required to accurately define the specifics of the impact, it can be summed by the following statement. As proposed, the expenditure of time and money to comply with the STAR regulations will be very significant for them, while resulting in minimal reductions. Noveon upper management has followed the progress of the STAR Program regulatory proposal with particular interest. The business in their Louisville plant is growing financially. However, their management has reached the following conclusion - The Louisville community is so unfriendly to industry that they cannot take the risk of expanding their operation here. Thus, two expansions originally planned for the Noveon Louisville plant will be located elsewhere. These facilities will be located in Atlanta and will be breaking ground next week. These expansions would have created between 10 and 20 new jobs and \$18 million in investments in this growing business. The irony is, the emissions from these processes would be negligible. Yet, the adversarial nature of this regulatory process and the polarized environment that has been created simply make the risks of doing more business here far greater than the benefits. While the decision on these specific expansions cannot be reversed they believe that the relationship between their industry and the community can be healed. Noveon fully supports the effort to

reduce emissions of chemicals into our air that are creating an elevated health risk for residents of Louisville. The company is committed to being a part of the solution. However, the company has many concerns with the regulations as proposed. The company also sees significant technical issues with these regulations. He urged the Board to allow for the development of a technical review committee consisting of risk and toxicity experts, interested community members, and affected facilities who can properly review these regulations, measure and weigh them against good science, and develop a consensus of the appropriate path forward.

Tom Herman, Corporate Environmental Manager, Zeon Chemicals, said the Zeon is a synthetic rubber manufacturer in Louisville's Rubbertown. The company products end up in a diverse group of end products: some that you may see under the hood of your car such as hoses, belts and gaskets, to high-end applications such as for the space shuttle. The company's U.S. headquarters, research and development, customer service, sales and marketing, etc. are all co-located on Bells Lane right alongside the main manufacturing plant. The company also has a very large national warehouse in Riverport. One hundred ten people are employed in the Louisville manufacturing facility; there are over 220 people total in the Louisville area. An additional 20 full time contractors and many part time also work for the company. Mr. Herman said that he has participated in the WJCCTF since its inception in 1996. When that group's draft Risk Assessment of the West Louisville ambient air monitoring data was issued, Zeon promptly responded to Mayor Abramson's call to the company, as a major 1,3-butadiene (BD) emitter, to significantly reduce the company's ongoing releases. Mr. Herman said that the company is pleased to have recently reported to the District that its emission reduction plan was completed over one year ahead of schedule. Substantial reductions of BD and other chemicals of potential concern had preceded this effort by Zeon over the previous 12 years of its ownership of the facility. These past efforts have been documented to the Board and the public in several forums. Mr. Herman said that the company is proud of its emission reduction successes and remains committed to all future reasonable reduction opportunities. The company likewise appreciates the need for reasonable district-wide air toxic regulations and will continue to work directly and through GLI and/or the Louisville Chemistry Partnership (LCP) with the District to that end. Earlier this week, Zeon filed written comments regarding the STAR Program regulations. He said that any regulation needs to be reasonable, but the STAR Program regulations, as proposed, are not a reasonable approach to regulating air toxics in Louisville. He said that the comments filed by GLI and LCP, as well as those of Zeon, should make that point abundantly clear. The company is concerned about the development process used for the STAR regulations. Comments have been made that there was stakeholder involvement in the regulations' development. Though the extensive number of review meetings in the informal development process was helpful, they hardly permitted sufficient consideration and incorporation of reasonable elements. Industrial members along with many other stakeholders did participate in the development of a Risk Management Plan (RMP) prior to the issuance of the WLATS Risk Assessment report. That plan envisioned stakeholders involved in a multi-pronged effort to reduce emissions of targeted air toxics. Only one phase of that was new regulations. The activity option list is on the District's website. The ten steps include public awareness, technical assistance, economic assistance, etc. Unfortunately, other than the 1,3-Butadiene (BD)-emitters' early reductions, all efforts in the past year and one-half have been kept within the District in assembling what became the STAR Program package. Mr. Herman said that the industrial community has been told that the RMP was not followed because of the negative experience the

District had with the BD emitters. While the conversion of voluntary commitments to Enforceable Board Orders was not smooth, it's hardly a valid reason for abandonment of the overall plan. The industrial community has also been told that since it was decided to make the control of air toxics a city-wide effort, the RMP template was no longer applicable. Mr. Herman said that the multi-stakeholder template of the RMP can work for any size jurisdiction. Obviously, the representatives would have to be citywide rather than just West Louisville or Rubbertown as the RMP contemplated. Further, the RMP template is essentially what the state air toxics task force is now using to develop its program. The multi-stakeholder SIP Plan of the early 1990s, which brought about the fair implementation of the mandated 15% VOC emission reduction, was enormously successful and should serve as a model for further development of this air toxics regulatory package. The regulated community and the public need ample opportunity to participate in the generation of this important document. Accordingly, further STAR development should be directed to a multi-stakeholder or technical working group process.

Edward Dusch, General Manager, Louisville Medical Center, said the Medical Center has an energy plant located in downtown Louisville that serves the hospitals and the University of Louisville medical and dental schools. Jefferson Community College is a small partner. The Center also has a laundry. The Center provides the heating and cooling energy for those hospitals. His main goal in speaking to the Board is to try to keep coal as a viable energy source in our local economy. There is a federal program that has just been initiated called the boiler MACT that covers industrial boiler plants like the Center's. The boiler MACT is so similar to the STAR program that it would make sense for Title V coal users to be exempt from the STAR Program and be just subject to the boiler MACT. The toxics are almost the same, the time frame is almost identical, and it seems that it would be much more efficient to do that. The STAR Program is more complicated and harder to understand than the federal program. He said that one can take the boiler MACT and reach a conclusion as to what is needed to be done at a plant within 8 hours. He said that he has doubts that he will know one year from now what the Center will need to do to comply with the STAR Program after modeling has been completed. The Center is likely to be above in some areas and will have to apply for variances with the District. An alternative would be fuel switching. In the case of the Center, 99% of the steam is generated from coal. The annual cost for the Center to do fuel switching would add \$6 million to the fuel costs. It would quadruple the Center's energy cost from the \$2 million now spent on coal to \$8 million on gas. The coal comes from Perry County and the gas comes from Texas, Oklahoma, Louisiana, and places outside the state. One of the unintended consequences of the regulation is that it is going to affect the cost of health care in the community. Of the \$6 million added cost, 2/3 is attributable to the hospitals and 1/3 to the research and educational buildings. If \$4 million is divided by 1,500 patient beds, that is \$2,700 a year in extra costs per bed. That is the ongoing operating cost if the Center can't comply and would have to switch fuels. He said that he was surprised that Title V boilers were included in the STAR Program. There is some question in his mind as to how great an impact coal burning boilers have in the county. In 1990, Congress directed the EPA to study HAP emissions of 684 utility plants. The results were published in 1998. The results of that study, which was peer reviewed, was that all but two of the coal fired-plants that were studied were under one in a million cancer risk. The highest long term HAP concentrations for all 684 plants was 10 times below the reference concentration. Of the 426 coal-fired plants studied, all but two had risks below one in a million. Administratively,

he said that he has concerns about the ability of the District to manage and implement such a widespread regulation. There are so many qualitative things that have to be evaluated by the District staff and he sees longer delays on construction permits. The Center has a project that they submitted to the District 8 months ago that involves replacing a 50-year-old stoker boiler with a low NOx gas burner.

Chair Cassidy inquired whether Mr. Dusch knew how many Title V companies are under the federal boiler MACT. Mr. Dusch responded that there are probably less than 6.

Jodie Goldberg, citizen, said she has been here on quite a number of occasions in the past. She resides at 303 Blue Ridge Road, and because of her location, she knows the winds blow from the southwest to the northeast. It is primarily her experience as a mother that brings her to the meeting. She said that her daughter had a lot of health problems because of the air in Louisville. A parent wants health first for her child and happiness happens second. Her daughter now resides 15 hours away from Louisville due to the air pollution here. She cares about the air and about the ability of people to breathe something healthy. She said that she comes here because hope springs eternal and, in the Board, she has hope. On the occasions when she has been at a meeting, she is impressed by the intelligence of the people before her and the skills of the people who have gone about their very difficult work. She encouraged the Board not to engage in paralysis but to keep going forward with progress.

Corinne Greenberg, Certified Hazardous Materials Manager, Linebach Funkhouser Environmental Consultants, said as professionals they provide technical expertise and assistance to industrial facilities in their efforts to apply for and maintain compliance with their air permits and other regulatory requirements. They have been active participants in the GLI Air Toxics Task Force and have been regular attendees at the Kentucky Environmental and Public Protection Cabinet (EPPC) Air Toxics work group where they are beginning to look at the same issues. In the STAR Program, the District is charged with developing necessary and reasonable regulations to address the problem at hand. However, the Preliminary Regulatory Impact Assessment that deals with the regulatory package at hand does not fully define the particular problem, nor does it fully justify the current STAR Program as a specific appropriate alternative. The monitoring results of the WLATS study and others have shown that there is a problem. These monitoring results do not pinpoint the source of the problem nor identify the emitters. The Region 4 ATRRSA further supports that there may be a problem with air toxics in Jefferson County. The Region 4 study does not say that Jefferson County has the worst air in Region 4, it says that when looking at 14 statistical variables we have the most risk of a potential air toxics problem. **The state work group provided a copy of the data which is attached to the minutes.** The underlying data is compelling in showing that there are contributing variables other than TRI reported toxins that do propel Jefferson County to the top of the rankings. Specifically with regard to the TRI reported toxins, it is probably true that 98% of the reported air toxics come from Title V and major FEDOOP sources. The TRI data is directly reflected in only one of the 14 variables considered in the Region 4 study. It is weighted all the way up to 25% of the study findings. As its own data variable, it does not correlate well at a 0.56 correlation factor. The demographic data for Jefferson County correlated at values from 0.88- 0.57. The NATA data did correlate fairly well at .79, .78, and .73 for those three variables. The NATA data includes other emission sources. The health data correlated the most poorly out of the three indices

considered, lung disease, heart disease and cancer incidents. Jefferson County did not top out on those lists, they were 22nd in the rate of cancer incidents in Region 4, behind 12 other Kentucky counties. They were 230th in the rate of lung disease in Region 4, behind 57 other Kentucky counties and 525th in the rate of heart disease in Region 4, behind 84 other Kentucky counties. When removing the TRI data and substituting the TRI RSEI weighted score from Perry County of 4,590 for the Jefferson County TRI RSEI weighted score of 6,033,973,936, Jefferson County's place changed from 1st to 5th. Before adopting a program that relies exclusively on the reduction of emissions from stationary sources, the Board should ask the District in its final regulatory impact assessment to demonstrate all the alternatives considered, to specifically identify the problem that they want to correct with the STAR Program, demonstrate that they are proposing a regulatory package using the best alternatives considered, and show how it will achieve specific objectives. It is more than simply a matter of doing something to fix the air toxic problem; it needs to be the right thing.

Rachael Hamilton, Attorney, Frost Brown Todd, said she is also a member of the GLI Air Toxics Task Force and they have spent countless hours reviewing the proposed regulations, the response to comments, and the District's Preliminary Regulatory Impact Assessment (PRIA). Her comments will be addressing the PRIA. The Board is guided by KRS Chapter 77, which provides for the adoption of reasonable and necessary regulations. As part of the process for adopting such regulations KRS Chapter 77.185 (2) establishes the minimum standards for regulatory impact assessment. The RIA is the key component in the process by which the Board determines whether regulations proposed for adoption are reasonable and necessary. KRS Chapter 77.185 sets the floor; however, this Board has gone one step further and established higher standards in Regulation 1.08 Section 7. Based on their review, the PRIA prepared by the District does not meet the stringent standards established by the Board in Regulation 1.08 Section 7. For instance, Section 7.2.2 requires that the RIA include, as part of the discussion of the feasibility of all alternatives considered, a description of the following: the approach for reducing emissions, the estimated level of emission reductions to be achieved, the available pollution prevention measures, and the reason why the alternative was chosen or not chosen. This information is required for each alternative considered by the District. The District has stated that it reviewed all state air toxic programs and air toxics programs currently used in peer cities. As part of its review it included citations to spread sheets summarizing the number of regulated sources, types of sources regulated, the standards regulating carcinogens and those regulating non-carcinogens. Regulation 1.08 Section 7 requires more than the summary review. The District does not discuss the approach used in each of these state and local programs for reducing emissions; or the estimated level of emission reduction that those programs might achieve if applied in Louisville Metro; or the available pollution control measures associated with these programs; or, more importantly, why the measures associated with these program were chosen or not chosen. It is not enough to say that other state programs may be more stringent than federal law. Since it is clear that the District has evaluated these state programs as a potential alternative to the STAR Program and in some cases relied upon this program in part for drafting, discussion of the alternatives with all this information is required by Regulation 1.08 Section 7. There are many examples where the District evaluation doesn't achieve the level of specificity that the Board has set forth in Regulation 1.08 Section 7. It is imperative that the Board review the final regulatory impact assessment to ensure that it meets the requirements of that regulation so that it has complete information upon which it can determine that the

regulations proposed are reasonable and necessary.

Sister Julie Driscoll, Sisters of Charity of Nazareth, said they were founded in Kentucky in 1812 and today they are an international community in five other countries: India, Nepal, Belize, Botswana, and Nicaragua. There are 200 sisters living in metro Louisville so they do have concerns about this area. About 10 years ago, they included care for the earth in their mission statement. In June 2003, they had an international gathering and spoke to concerns about care for the earth. As a congregation, they have endorsed The Earth Charter after a 10-year process all over the world. She urged the Board to pass the STAR Program. She said that she supports clean air, and the air we now have is a significant health problem. It is imperative that we reduce the high levels of toxic air in the greater Louisville area. She hears what industry is saying and in no way pretends to be a technical expert. She lived close to Rubbertown for 5 years so she understands that the reality for people living in that area is that when they walk out the door in the morning, they know where they are. In contrast to those saying that people will lose jobs, it has been her experience, from living in many parts of the country and traveling to many parts of the world, that when people are asked to relocate, families look for good schools, good neighborhoods, and a good environment. If this is dealt with reasonably, it will draw business to our city and help our local economy. She said that one of her primary concerns is the health of the citizens. Their foundress, Catherine Spalding, besides founding Presentation Academy in 1831, brought patients into her home and started a hospital because people were suffering from cholera in this city. Since then, they have had a long history of serving in health care. Their community was the first to offer nursing home care for people with AIDS. Because of their long concern with health, they are concerned that this is a serious health problem. As an educator she commends the District for their educational materials on clean air. She hopes that these hearings get all of us as citizens to look at what we can do, whether it has to do with car emissions, the appliances we buy, lawn mowers, or household cleaners. The more each of us shows we are committed to doing something, the more we can challenge industry to keep working at it too.

Phil Baldyga, citizen from Crescent Hill, said that he considers himself an official breather of air in the community and as such he thinks the Board is doing what is reasonable and necessary by having strict regulations. He urged the Board members to proceed as soon as they can to pass the STAR Program regulations.

Alice Wade, REACT, said she resides in the West End at 1706 South 35th Street, which is adjacent to Rubbertown. She has lived in the West End for 40 years. She said that you can't imagine how she feels unless you have lived in the toxic area in the West End and breathed the air every day of your life. If companies can afford to build plants in other communities, in other states, that sounds great. Relocate somewhere else to poison other people's health like our health has been poisoned in Louisville. She said that they don't have compassion for the over 1,000 children that are bused in every day to these schools whose health is being deteriorated. Her neighbor's child was born with asthma and it does not run in their family. She said that the children in the schools cannot go outdoors for fresh air and some are on respiratory medications and breathing machines. The employees working at these companies are exposed to the toxic air and their employer is not bettering their working conditions. She encouraged the Board to think about this seriously and hoped that they do the right thing by passing the STAR Program.

Attica Scott, Coordinator, Kentucky Jobs with Justice, said that in 1964, Charles E. Seiberman said the question is no longer what to do but was there still time in which to do it. She thanks Mayor Jerry Abramson for creating the STAR Program. The STAR Program is an environmental justice policy that our city desperately needs to protect public health, our children, our family, and friends. As a social justice advocate who works with the community, she is well aware of how environmental and labor issues intersect. She said that there is nothing new about corporations who threaten to shut down and move jobs whenever they are truly held accountable. Often times the accountability is that our elected officials have the willingness to require corporations to invest their properties in the community and not just the bottom line. Sometimes this means that our local government officials have to have the guts to say that what is best for our community and to supercede what the federal government requires. She said that she wants the Board to do what is best for this city. Companies in other states have had to reduce their emissions to the levels that are called for by the STAR Program or close down, and the workers still have their jobs. It is not necessary for Louisville to engage in a race to the bottom to see which states will allow the least protection of public safety in order to keep jobs in our community. We can allow for public health and safety and maintain quality jobs. REACT continues to be supportive of workers. Jobs with Justice participated in workshops with PACE and REACT only several months ago. REACT remains in dialog with workers and even volunteered to walk the picket line during contract negotiations at DuPont Dow and Noveon. She said that we need to see about the business of building our community. In order to do this, we must have a long-term vision that does not surrender to corporate threats. The STAR Program has been reviewed and revised for way too long now. Unfortunately, while we wait to adopt the STAR Program, our air quality is not getting any better. She urged the Board to adopt the STAR Program. She said that as a former resident of the West End with family and friends still there, our community needs this.

Rusty Cress, Associated Industries of Kentucky (AIK), said AIK is a manufacturing trade association made up of 3,000 members and manufacturers throughout the state. He is also speaking today on behalf of the American Chemistry Council, which was unable to be present today. AIK was established in 1911 and is the Commonwealth's largest industrial manufacturing trade association. AIK has adopted three core principals that relates to environmental matters, requirements should consider the cost-benefit relationship, have technological and economic feasibility, and be based on sound science. AIK understands that there is going to be a STAR Program. AIK's membership in Jefferson County understands that there is an issue that needs to be addressed. He said that his main goal is to address the issue, as opposed to addressing other extraneous matters. There was a study done that identified 18 chemicals of concern and those 18 chemicals of concern have now expanded into 191 to 200 chemicals to be regulated. If other chemicals are shown to have problems through additional studies, then they should likely be regulated. This regulation should be based strictly on the 18 chemicals of concern. One thing that is very important is careful scrutiny of the Region 4 ATRRSA that was used to determine that Louisville theoretically had the worst air in the southeast region. Mr. Cress said that Ms. Greenberg made a very good point that if industry is taken out of that differentiation, Louisville would still be in the top 5 cities. Every single one of those cities that were named is a major metropolitan highway area. Based on this data, the problem will not be solved by the outlay that the District is looking to require. He said that we should focus on the 18 chemicals and focus on the other causes as opposed to the issues that are

being dealt with here. Mr. Cress said AIK is supportive of an environmental program and they seek protection of human health and the environment. They want to see a cost-benefit analysis done. Most of all, AIK wants to see communication and that is where he thinks this process has broken down. He is not involved substantially on a local level, but it appears that there has not been a lot of communication between the regulated community and the citizens that are affected by it. AIK was a participant in the Brownfields Program that was developed in Kentucky. This program dealt with very serious, very controverted issues of how clean is clean when it comes to soil and ground water contamination.

Susan Clark, Environmental Engineer, Noveon, said that she has also been participating in GLI's Air Toxics Task Force concerning the proposed STAR regulations. The Task Force supports the development of a reasonable program that calls for specific and necessary reductions, so long as the program is technically sound and scientifically defensible. Her specific task has been to organize the affected companies that have existing federal leak detection and repair (LDAR) programs to review Regulation 1.21, which is the District's enhanced LDAR program. The District's program has been patterned after the Texas program that was developed for four specific chemicals for which Texas determined there was a big emission problem. The affected Texas petrochemical facilities produce hundreds of thousands of pounds of product each hour, on each process line. At those kinds of amazing production rates, even little leaks from their equipment matter. That is simply not the case in Louisville. None of the Louisville companies comes close to making products at the same rate as the Texas facilities, not even if combined. That means when leaks occur in the Louisville facilities, the emissions are not significant because the Louisville companies are not pushing huge quantities of material through their pipelines. So how does this impact the proposed regulation? If the Board put the proposed requirements in place, there will be emission reductions. However, since the chemical companies are starting with only a small amount of emissions, any change made by these companies will result in even smaller reductions. Ms. Clark said that there aren't tons and tons of available emission reductions to be gained by implementing the enhanced leak detection and repair program, only pounds of emission reductions. These few pounds of emission reductions come at a cost. Since the District's Preliminary Regulatory Impact Assessment (PRIA) did not provide any cost numbers of leak detection and repair, several of the affected facilities have developed cost estimates to comply with proposed Regulation 1.21. So that these costs can be compared to the costs to the control strategies presented in the PRIA, they have been converted into dollars per ton. All the estimates show that it will cost more than \$100,000 per ton to implement the enhanced leak detection and control program, which is clearly significantly above the \$5,000 to \$10,000 per ton presented by the District in the PRIA. The companies' dollars and efforts should be focused on reductions that are significant and meaningful, rather than on a program like enhanced leak detection and repair, which will have little to no impact on public health with a significant expenditure of both dollars and effort.

Robert Bottom, citizen, said that he was an environmental activist around Louisville from 1980 - 1988. He worked on nuclear, incineration, and toxics issues and worked on Rubbertown for 7 years. During that time, he learned a few things about Rubbertown, which he is sharing with the Board now in support of the STAR Program. He said that it is clear to him that the original siting of Rubbertown was a mistake. It was something that was based purely on convenience and we have been paying for that mistake ever since. He said that it is also clear to

him that there have been and still are companies in Rubbertown that are literally guilty of murder. A single example is BF Goodrich, which was out there from the 1940's to just recently. They have managed to sell off and spin off all their holdings. During the 1940s, 1950s, 1960s, and 1970s, their releases of vinyl chloride monomer reached 500 times what's being released today. In the 1940s and 1950s when they were making vinyl chloride monomer, it was probably 1,000 times as much. When they finished making this stuff they cleaned out their reactor vessels and dumped the sludge in holes in the ground and at the Lees Lane Landfill, where that dioxin-laden sludge resides to this day. The first complaints about air pollution in Rubbertown surfaced in the mid 1940s and led directly to the formation of this Board and this Air Pollution Control District in the early 1950s. It's been 50 years coming up with a comprehensive plan to deal with Rubbertown's air pollution. He doesn't think there should be any more waiting. The time for the hammer to fall is now. He said that in his opinion, anyone who is for delaying this program is guilty of being an accomplice to murder after the fact. He said that if you were to go back 80 years and walk down to the foot of Hancock, Clay, or Shelby Street and have a look around, you would see nothing but smoke stack industries, including the Star Refining Company Gasoline Refinery. They are all gone and now it is a park. His prediction of the future of Rubbertown is that eventually all those companies in Rubbertown will be gone and it will be a park.

Dr. Mark Klan, toxicologist, said he appreciates the Board's patience and diligence in sitting through all this and Mr. Williams and Mr. Trout, yours as well. He has nearly 20 years of experience in toxicology and environmental risk assessment. He has worked for a wide variety of clients, including the City of Louisville, the State of Kentucky, other regulatory agencies in other states, the EPA, and a wide variety of private clients. He previously served on the Governor's Brownfields Task Force and currently serves on the Kentucky Air Toxics Workgroup. He has been very involved in the evaluation of the proposed STAR Program regulations and has provided technical support to several private clients such as the University of Louisville and GLI. With all the comments that have been heard today as well as those that have been submitted for the written record, he thinks we all agree that we want clean air and an effective regulatory program. We also want environmental quality and economic prosperity. They are not mutually exclusive, but it is a tough task to make that happen. With that in mind, he wants to discuss three points related to the proposed regulations. The first point relates to the background of these regulations, the WLATS and associated risk assessment, and the ATRRSA conducted by EPA Region 4. He recommends that a thorough third-party peer review of the methodology and findings of these studies be conducted and presented to the Board. His initial review of these studies identified several technical deficiencies. Also, there have been numerous examples of miscommunication and inappropriate extrapolations of what the studies determined. He thinks that the Board should be given the opportunity to fully understand what these studies really say. The second item relates to the concept of acceptable risk levels, which is a key element of this proposed regulation. The proposed regulations present risk levels related to human health such as the risk of developing cancer from carcinogens or the risk of other adverse health effects from noncarcinogens. In the regulation, the terms "risk standard" and "risk goal" are used. It is important that the Board appreciate the distinction between a risk standard and a risk goal. The standard would be the enforceable, regulatory requirement that may not be achievable. In general, when conducting a risk assessment, potential health risks are evaluated as carcinogenic risk or noncarcinogenic risk, depending on whether the chemical is a carcinogen or not. The cancer risk, as determined by EPA methodology and presented in the STAR

Program, is the upper estimate of the probability of developing an increase in the incidence of cancer. It is not an actuarial determination, meaning a certain estimate of the actual number of cases of cancer to be expected. Noncancer risks are calculated as a ratio of the estimated level of exposure and an acceptable level of exposure, or dose. This is called a Hazard Quotient or Hazard Index. He recommends that the proposed regulations use acceptable risk ranges, goals, and standards that are consistent with other regulatory agencies and our society. For example, the EPA, as directed by Congress under the Clean Air Act, uses a risk range of one in a million to 100 in a million to evaluate the residual risk from carcinogens after the application of MACT standards. The EPA uses a risk range of a hazard index of one to 10 to evaluate noncarcinogens. Also under the Safe Drinking Water Act, the acceptable concentration for some chemicals is comparable to cancer risk of greater than 25 in a million. That is essentially what is allowed in the drinking water today. Also the Kentucky Department for Environmental Protection uses a cancer risk range of one to 100 in a million when evaluating remediation requirements, with one in a million being the goal. An example of a societal risk is that of being killed while driving or riding in a car in Kentucky, obviously an involuntary real world risk that we all deal with. Last year, approximately 960 people were actually killed in traffic accidents in Kentucky. That is essentially a risk level of 230 to one million. If we want to achieve the goal of 1 in one million, as given in the STAR Program, we would all have to drive about 0.2 miles per hour to be safe. If we were to enforce these traffic speed limits with the same philosophy as the current proposed regulation only the largest trucks would be required to drive less than 0.2 miles per hour and everyone else could travel as fast as they wanted. In fact, the fastest the trucks could go would be 0.2 miles per hour for one day within 5 years. The third point is to recommend that the District and the Board use third party, peer-reviewed expertise and generally recognized good science when evaluating toxicity, carcinogenicity, and potential health risks. Given the complexity of this program and the numerous and complex comments that have been received, it reminds him of his experience on the Brownfields Task Force, which essentially is the same process and the same problems they faced there. That was only resolved by calling together a real work group of experts, of people with experience, not only on the technical issues but also policy, implementation, and regulatory aspects of that program. He suggested that the Board now think about organizing and putting together an actual workgroup to address these concerns and come out with an effective air toxics program.

Greg Brotzge, Executive Director, Kentucky Paint Council, said that he is also representing the National Paint and Coatings Association which is an affiliated group. They have submitted their written comments. Primarily their focus is on small businesses because most of his members are small companies and there has been a lot of discussion of how this is going to impact the major industries, not so much on how it is going to impact a smaller entity. A lot of his members do not have the resources to look at these regulations and really understand the full implications. Some of that is going to have to be done after the fact. This causes concern because, from what he has heard from the larger companies that have looked at this, they are going to have a hard time meeting the standards. One small company has looked at the impact and it is sort of a good news, bad news. They have only one chemical on the list and that is the good news. The bad news is that their likely response will be to move production of that product to another location. He said that he thinks the Board needs to look at how the regulation will impact small businesses. Secondly, there has been a lot said about jobs lost. He has lived here all his life like a lot of people here have. He grew up near Rubbertown. He said that he thinks it

is probably true that in the past, industry has said too often that if you do this, it is going to run us out of business. He doesn't know that a lot of jobs have been lost strictly due to environmental regulations over the years. He does think that if you've been here long enough you know that we have lost a lot of manufacturing jobs and most of those jobs have been lost because it simply became uncompetitive to make things in Louisville and they have had to move to another location. When you look at regulations, you need to look not only at the result, but what it is going to cost us to get there. He said that we need to put our resources where they will get the most benefits. There were several comments about the LDAR program. He said that is one example in the package where, in a lot of cases, it is going to be incredibly expensive for not much environmental benefit. He encouraged the Board to look at areas like that where they can possibly make the regulations a little more reasonable. The third thing, with regard to the comments made, in their judgement, if you look at the current draft versus the initial draft, there has not been much that has changed from the 1st to the 2nd. He asked the Board as they go through looking at this current draft and making final revisions that they take a look at the industry comments and keep an open mind as to what has been suggested. Representatives of industry do not expect to get everything they want, but clearly there are some valid points that need to be considered. He said that it is a good idea to put Regulation 5.30 on the books because there are clearly other sources that need to be looked at, vehicle emissions being a big example.

Shauntrice Lanice, Louisville Debate Team, said she is in support of REACT and the Student National Coordinating Committee. As a previous commenter said, "for the love of money" and that seems like what is going on. Right now, the argument is: the purpose versus the method. Supposedly purpose of everyone here today is to have cleaner air, but whose methodology is going to lead us to that purpose, who is going to get that goal accomplished? Right now, our methodology for the STAR Program, which she supports, is a message. Unfortunately, they have not presented an effective message that has been proven to work. She doesn't think that the company representatives and people against the STAR Program have done a good job convincing everyone here. They haven't presented a complete method of achieving the purpose of getting cleaner air for Louisville residents. Dr. Robert Bullitt, Director of the Environmental Justice Movement in Atlanta, writes about how blacks are discriminantly affected by waste and air pollution. The government needs to act. Right now, 80% of the factories that produce these toxins are in neighborhoods with residents that are 70% or more black. That issue is not addressed. One representative talked about how we need to focus on neighborhoods where these things happen. Her neighborhood, Smoketown, is right next to a meat factory. Many of the people here live in these neighborhoods where the industries, factories, and companies are. Smoketown and Rubbertown have higher rates of cancer and asthma. People who look like her are statistically proven to have higher risk for cancers and asthma. Children in the West End have higher risk for asthma. As Councilwoman Cheri Bryant Hamilton said, this is completely unacceptable. We need to change this right now. The STAR Program is going to change it, and at the very least it needs to be our first step in decreasing toxins. We need to reduce that poison. Everybody here thinks pollution is bad, but who presents a way to stop it from happening? Right now, the STAR Program is going to reduce that. Places like Rohm and Haas, Noveon, DuPont, and Swift all pump waste into our bodies. A few of these are benzene, carbon tetrachloride, arsenic, formaldehyde, and nickel. The first step should be the STAR Program. People are saying that the STAR Program is too complicated. Life is complicated. That is not a reason not to have the STAR Program; it doesn't make sense. Do this for the people in the West End.

Sharon Dodson, Director of Environmental Affairs, Louisville Gas and Electric Company, said that she wished there were two of her today, one as a corporate representative and one as a community citizen, because it is not very easy for her right now. This has evolved from a corporate responsibility to a personal issue and it is tough to segregate the two. Ms. Dodson said that she is new to this community, having relocated from Western Pennsylvania a year ago. She has a degree in chemical engineering and over 20 years of her career have been devoted to the generation of electricity and the potential impact of this industry on the environment, employees, and the local community. She has not had the opportunity to get involved in this type of specific issue, such as the STAR Program, and has tried very hard to remain objective over this past year. She has attended every one of the meetings, has read every newspaper article, every regulation, every comment to every regulation, and has openly, honestly listened to every commenter who has ever gotten in front of the microphone. Over that year of time she has become more personally involved with this mission and this goal. She is worried that this process may have failed somewhere along the way, not having those years of experience to decide where or with whom this fault lies. To receive thousands of postcards, all these commenters, all this debate, we are obviously not at a point where we can reach a conclusion. There is some sort of failure, some breakdown in communication going on and we need to resolve it collectively as a whole community. Each of us here today is here because we have a message to deliver specific to this community, where we work, live, and play. By submitting verbal or written comments we are representing ourselves as community leaders. She is here to advocate what she values and greatly appreciates this opportunity to do so. This regulation is so complicated that no one person in this room can summarize this whole program. You cannot do it in a simple newspaper article, you cannot do it in a comment in response to a regulation. She strongly encourages community education. Based on what she has heard today from other commenters, she feels that we have failed there. There are people actually living in fear and that bothers her. Something failed; they should not be living in fear. We did not effectively communicate the risks associated with being in this area. Fear of dying, fear of losing jobs, fear of separation from loved ones, being forced to leave the community they live in, fear for not being able to provide food for a family. Nothing good can come from negative emotions as crippling as fear. We have to focus on sound science. The issues the STAR Program is attempting to address are not easy to write into regulations or to understand by most. The regulation was not easy for her to read or understand. She sought independent peer review in order to make sound decisions and effective comments to this community as a whole. Out of the 4 submitted pages to the District with technical comments she has one example to explain today. It relates to the expansion of the original list of that has grown from 18 chemicals to 191 plus compounds that take the number into the thousands. One chemical of concern that she is focusing on is the Category 2 chemical sulfuric acid. The EPA has not developed toxicity factors for sulfuric acid. The District has not demonstrated any adverse health impacts to the area. In addition to not being identified in the WLATS, sulfuric acid is not listed as an urban air toxic or a hazardous air pollutant by the EPA. If the STAR Program is passed as is, it could require LG&E to invest anywhere from \$20 million to \$700 million capital dollars plus millions annually thereafter to comply. The science has not yet demonstrated the need. She must also represent those who cannot currently afford to pay their electric bills and she must justify all her costs to the Public Service Commission. In summary, she believes in a diverse community, a powerful community, and one that comes together as a whole. She believes in a traditional stakeholder process that bonds the community as opposed to driving them further apart, a process that is designed to fully utilize the diverse

talents of those present in this community and those that want to be heard.

George Edwards, citizen, said he is a retired minister of the Presbyterian Church U.S.A. He taught New Testament studies at Louisville Presbyterian Seminary for 30 years. He wanted to say a couple of things that have to do with ethics and a sentence or two about violence. There is an act of overt violence when somebody hits somebody with a baseball bat. We don't have much trouble identifying that kind of violence and we can carry out a lot of investigations concerning the causes of it. There is also a covert violence. He has to say, because Louis Coleman attended their school, that he learned from Louis 25 years ago what covert violence, institutionalized violence, and ecological violence were. We know or should know by living in this city that it is related to racial understanding and consciousness. He said that we must become more conscientized as a people in this era to deal with any kind of problem in a meaningful, rational way. He said that when we talk about ethics in a Biblical sense, all major religions would reinforce this statement: We're trying to learn how to love our neighbors like ourselves. We become participants in covert violence without even being aware of it. We need a meaningful program for the improvement and correction of air pollution in this area. Mr. Edwards and his wife are here for the Fellowship of Reconciliation, an international peace organization founded in 1914. They support the STAR Program.

Eboni Cochran, REACT, said she also lives in a neighborhood affected by the industry in Rubbertown. Over the last 1 ½ years, REACT has been addressing this Board about the many hazards and challenges that people in Rubbertown neighborhoods face. She came here this afternoon to ask the Board to vote yes for the STAR Program without delay. The Rubbertown neighborhood residents have done what they can do within their limited means to bring attention to this issue and to provide the Board with information, and they strongly believe it is the Board's turn to do what is right for this community. For years industry has been allowed to profit off the backs of people living in the areas affected by the poison they emit in the community. The burden should be placed on industries who have resources rather than residents who have limited resources. They are hoping that the Board will not fall victim to industry complaints that the process is too short or that it needs to be delayed. Not only has industry had representatives on the WJCCTF for years and ample time to submit comments, but both industry and the City of Louisville have known for decades that there have been problems. The complaints go back decades, as a newspaper article dated 1996 indicates. The REACT research committee found an article dated August 26, 1953, entitled "West Enders Rap Air Pollution Unit, Delegation Says City-County Board Hasn't Done Anything About Dust." The three people listed in the article came saying the same exact things that we are saying here today in 2005. It says, "The burden is not on the people to get the evidence, it is on the Board." It also quotes the three people as saying, "We are not just three men, we represent hundreds." When you hear people come up here and say that there are other contributing variables, we all know that. Does that mean that industry doesn't need to be held accountable for what they are doing right now? We heard from a commenter who talked about fear and that it is something that is not natural. Fear is a God-given instinct that enables us to protect ourselves from those that are trying to harm us. We heard from a commenter who said we need to be technical, not emotional. When awakened in the middle of the night by her stepdaughter who can't breathe and is rushed to the hospital because she has been diagnosed with asthma, and she thinks about all the work that REACT has done on this issue, you have to consider the emotions. Industry has taken the human

aspect out of this whole issue. It is ludicrous for all these people to come in here and say “we support the environment” but then they want to choose the 100 in a million standard versus the 1 in a million standard. That is a contradiction. The fact that Noveon can’t expand in Louisville is not the fault of the STAR Program; it is the fault of industry, which has for years taken advantage of the fact that nobody has ever enforced the law on them. Industry states that the chemicals only reach their fenceline, but the odors are smelled in the surrounding neighborhoods. The EPA’s website indicates that one indication of a chemical release is odor. She asked the Board to keep in mind that the STAR Program does not need to be delayed, it has been going on since prior to 1953.

Sarah Lynn Cunningham, Inhabitants of the Earth, said she wants to point out that among the regulated body there is no consensus. Some of them are denying that there even is a problem, some acknowledge there is a problem but say that everything is wrong about what you hope to do to fix the problem, and some are just saying well, make them clean up, don’t make us clean up. If you were to try to allow these folks to reach consensus, would that even be possible? This nation has a really hard time reaching consensus on a whole lot of simpler, less technical, straightforward issues. Ms. Cunningham said that she just got home a week ago from being in the former Soviet Union, specifically the Ukraine, where the former Communist apparatchik that has been in charge, despite the fall of the Soviet Union in 1991, poisoned the westward-leaning candidate for president at a dinner with food spiked with laboratory-grade dioxin. The people of Ukraine stood up to this and elected the poisoned candidate. She said that she attended workshops with elected officials, mayors, deputy mayors, public works directors, and plant operators promoting transparency and democracy. She asked the Board to imagine the irony when she got home and read about Senate Bill 213 where it looks to her like the established power structure is feeling really threatened by the democratic, open, transparent system that we have used to try to create these regulations. She asked the Board to keep democracy in Louisville, and support the STAR Program and local control now.

Reverend Louis Coleman, Justice Resource Center, said he thanks the Board for the opportunity for being there. An article on the 1996 crisis in Louisville, Kentucky, was done on the air we breathe. The article also mentioned that Rubbertown neighbors sound off on odors and industrial emissions. Several years later we are still talking about the same issue. Something is in the process of being done. It is hard to put your full trust in what is being done, especially when you have been involved with this system for all these years, unless there is a safety net put in place for the people that have been negatively affected for decades by these emissions. He has learned to distrust until the institutions prove to be trustworthy, especially in Louisville and the State of Kentucky. One of the prime concerns of the Justice Resource Center is the protection of the residents’ health in West Louisville, Portland, Okolona; these areas that have been negatively affected for decades. One of the things they hope for is a safety net that can be put in place in the STAR Program. They see that the STAR Program has set emission standards based on cancer risk calculations. However, the STAR Program is completely barren of any provisions that address health effects that can remain after emission standards are in effect. Specifically the health effects of pollution on people living in the Rubbertown area must be assessed for the purpose of determining whether such emissions standards are protective of Rubbertown residents’ health. If not, the health assessment would need to be further developed to establish new emissions standards that are protective of residents’ health. He urged the Board

to include in the STAR Program the development of a standard to protect public health, in particular, the health of people living near the industrial sources from remaining health risks. Any program that is going to be put into effect is no better than the enforcement of air pollution standards. The present STAR Program could provide the Board with authority to require a company to install an air monitoring device under certain circumstances. However, enforcement of the STAR Program will only be as effective as the air monitoring. The monitoring needs to be done on a 24 hour basis. The community should not be held at bay when issues come up as far as air monitoring. If we don't know the real reported issues, how are these companies going to report to the District? Any reports ought to be done on a bi-weekly or monthly basis so the community will know exactly what is going on. Right now there is a distrust until those factors are built in.

Steve Samuels, REACT, said he also represents his fallen brother Roosevelt Roberts. He said that basically we are here to talk about clean air. The first step we need to take is to get 1,3-butadiene under control or eliminate it. Mr. Samuels used to work at the Water Company in Crescent Hill where the chlorine cars used to sit outside. They no longer sit outside, they are in the building; it is self-contained. If there were a chlorine leak, the scrubber system would take care of it. He said that some of these industries have smart chemical engineers who need to tell their boss to get busy and spend some money because you can remove 1,3-butadiene. The emissions of 1,3-butadiene have been going up since 2001 and are blowing right over the West End. These industries need to do something to clean up. Zeon, on Algonquin Avenue, is dumping waste in the back yards of four nearby houses. The City does not pick up garbage at these homes. Those waste hills got very high; they have since brought them back down, but they look like mounds. This too needs to be cleaned up. If industry is over the limit or fined, that too needs to be incorporated. That issue had not been brought up. It is going to be left with the Board, the STAR Program, and additional staff due to increased calls on offensive odors.

Chair Cassidy said that the Board appreciates everyone who made comments today. The Board will be looking very carefully at all of the comments after the staff has analyzed them. Thank you very much for your time today, thank you to the District staff members for all their work, and thanks to all the Board members for their time and commitment to the air health of Louisville.

Adjournment

The public hearing adjourned at 6:00 p.m.

Karen Cassidy
Chair

Jonathan L. Trout
Secretary-Treasurer